

**REMARKS**

Applicants respectfully request reconsideration and allowance of the claims, in light of the remarks made herein. The Examiner is thanked for courtesies extended during the telephone interview of May 5, 2004, during which possible amendments to the claims were discussed.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 9, 10, 12 and 13 are pending in this application. Claims 9, 12 and 13 are amended. Support for the amendment to claim 9 can be found throughout the specification, for example on page 7, lines 1-5. The amendments to claims 12 and 13 correct dependency. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

**II. THE REJECTIONS UNDER §112, 1<sup>ST</sup> PARAGRAPH, ARE OVERCOME**

Claims 9, 10, 12, 13 and 25 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking adequate written description and enablement. The rejections are traversed.

Independent claims 9 and 10 recite both structure and function of the claimed polynucleotide. The Examiner indicated during the telephone interview of May 5, 2004 that claim 10 is allowable in its current form and that claim 9 would be allowable if rewritten as presented herein.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §112, first paragraph, are requested.

**III. THE REJECTIONS UNDER §112, 2<sup>ND</sup> PARAGRAPH, ARE OVERCOME**

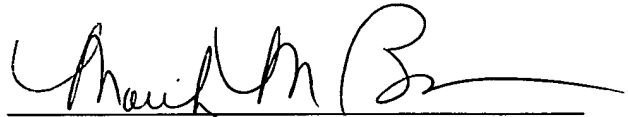
Claims 10, 12 and 13 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection was addressed in the Amendment filed on April 5, 2004 and is believed to be overcome. Reconsideration and withdrawal of the indefiniteness rejection are requested.

**CONCLUSION**

In view of the remarks and amendments herewith, it is believed that the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Marilyn Matthes Brogan', written over a horizontal line.

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